THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 16924 of 2007

09-08-2007

Between:

S.V.K. Srinivasa Raghavan

Petitioner

And

The Government of Andhra Pradesh,
Rep., by the District Collector, Chittoor and two others.

Respondents.

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W.P.No. 16924 of 2007

Oral Order:

The petitioner assails the land acquisition notification dated
03-07-2007 issued by the first respondent – The Collector, Chittoor district, whereunder an extent of Ac.5-00 cents in survey No.135/1A of Durga Samudram village, Tirupati rural mandal, Chittoor district, is proposed for acquisition for the purpose of providing house sites to weaker-section people under Phase-II of INDIRAMMA Programme.

In the notification, in the column relating to the Pattedar/enjoyer it is stated that the land is in dispute before the Estate Abolition Tribunal-cum-District Judge, Chittoor in A.S.No. 2 of 2001, instituted by the Mandal Revenue Officer, Rural Tirupati and that the *lis* is between S.V.K. Srinivasan; late Smt. Srinivasan and the Mandal Revenue Officer, Tirupati. The petitioner claims to have a reversionary right through Smt., Srinivasan in respect of the said land under the provisions of the Estate Abolition Act and also asserts to have filed an application before the Tribunal for recognition as the legal representative of Smt. Srinivasan. This application is stated to be pending. Apprehending a threat of dispossession of the lands pursuant to the acquisition process and on the basis of tenuous claim, which is in dispute before the Estate Abolition Tribunal, the writ petition is filed.

As the petitioner has not yet acquired the right to the land in question, he shall not be permitted to assail the notification for acquisition of the lands. The petitioner is however at liberty to lodge a claim for the entirety or a portion of compensation (as the case may be) for the acquired land before the competent authority. On such a claim being lodged, the competent authority will have to pass an award either adjudicating upon the claim of the petitioner, himself or referring the dispute as to the apportionment of the compensation to the Civil Court, under Section 30 or 31 of the Land Acquisition Act, 1894.

On the analysis above and preserving liberty to the petitioner to lodge a claim for compensation for the acquisition of the lands in question, the writ petition is dismissed as regards the substantive relief of the challenge to the acquisition process. No costs.

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GODA RAGHURAM, J

Dated: 09-08-2007
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